

5



2

8

32

22

22

22

## 8

Respectfully submitted,

Mario J. Martinez

Attorney at Law

State Bar No. 240130110

1420 Montana Ave.

El Paso, TX 79902

Telephone: 915-532-2638

Facsimile: 915-534-4421

Neil C. McCabe

THE O'QUINN LAW FIRM

State Bar No. 13335300

440 Louisiana Street, Suite 2300

Houston, Texas 77002

Telephone: 713-223-1000

Facsimile: 713-222-6903

ATTORNEYS FOR DEFENDANT

JOHN M. O'QUINN

*Charles B. Musslewhite Jr.  
by permission*

Charles B. Musslewhite, Jr.  
MUSSLEWHITE & ASSOCIATES, P.C.  
State Bar No. 14752500  
Chase Professional Bldg.  
711 Heights Boulevard  
Houston, Texas 77006  
Telephone: (713) 426-1900  
Facsimile (713) 426-1905

ATTORNEY FOR DEFENDANT  
CHARLES MUSSLEWHITE, JR.

CERTIFICATE OF SERVICE

I certify that the foregoing Notice of Removal was served on February 23, 2009  
by hand delivery to:

Walter Boyaki  
Miranda & Boyaki  
4621 Pershing Drive  
El Paso, Texas 79903  
Facsimile 915-566-5906

Ruben Hernandez  
1019 East Yandell  
El Paso, TX 79902  
Facsimile to 915-532-9951

*Mario Martinez*  
Mario Martinez

IN THE 327<sup>TH</sup> JUDICIAL DISTRICT COURT  
IN AND FOR EL PASO COUNTY, TEXAS

RUBEN HERNANDEZ,  
WALTER BOYAKI AND  
MIRANDA & BOYAKI,  
A LIMITED PARTNERSHIP,  
PLAINTIFFS,

VS.

JOHN O'QUINN,  
CHARLES MUSSLEWHITE, JR.,  
AND ENRIQUE ARAMBULA,  
DEFENDANTS.  
O'QUINN, ET AL.

CAUSE NO. 2004-2333

CONSENT TO REMOVAL

COMES NOW, Enrique Arambula, defendant in the above styled and numbered cause of action, and files this, his consent to removal and in support hereof would show the following:

I.

I have been advised that defendants John O'Quinn and Charles Musslewhite, Jr intend to remove the above styled and numbered cause of action to federal court based upon a federal question raised by plaintiffs in their first amended petition. I consent to this removal to federal court.

Respectfully Submitted,

By:

Enrique Arambula



IV.

All the Plaintiffs and the Defendants are engaged in the legal business.

V.

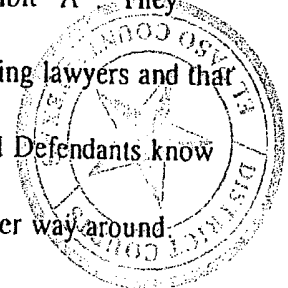
On May 17, 2004 and on numerous other occasions before and after, Defendants caused to be published, printed, and circulated written materials regarding Plaintiffs which were false. Defendants made these statements with actual malice in that when the statements were made, Defendants knew they were false. Specifically, the Defendants knowledge of the falsity and reckless disregard of the truth continued with their writings and further false allegations.

VI.

Also on May 17, 2004 and on numerous other occasions before and after Defendants announced to anyone who would listen that the Plaintiffs were stealing from them and had their hands in their pockets. These statements were false and Defendants made them with malice. Any proper investigation by any Defendant would have revealed that the statements were false. The statements constituted defamation of Plaintiffs' character in that they impeach the Plaintiffs' honesty, virtue and reputation, thereby exposing the Plaintiffs to contempt, ridicule and financial injury.

VII.

On May 17, 2004 and on numerous other occasions before and after, Defendants attempted to interfere with Plaintiffs' clients identified attached in the Exhibit "A". They further have tried to tell the clients listed that they are the good hard working lawyers and that the Plaintiffs are liars and cheats. The defamatory statements are false and Defendants know the Plaintiffs never interfered with any of their clients. Rather it is the other way around.



VIII.

Unless the court enjoins the Defendants from further slander, libel and interference with their clients, Plaintiffs will suffer irreparable injury in that the Defendants will attempt to steal their clients. Plaintiffs have no other adequate remedy at law.

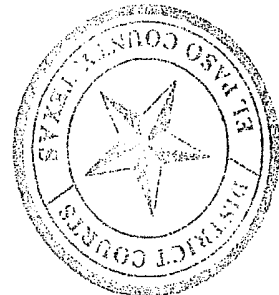
IX.

As a consequence of Defendants' malicious, negligent, and inexcusable actions, they have exposed the Plaintiffs to public hatred, contempt and ridicule and have impeached Plaintiffs' honesty, integrity, virtue and personal and professional reputations. The Defendants conduct has caused Plaintiffs substantial injury and damage including but not limited to Plaintiffs lost employment. Plaintiffs have been damaged in the amount of \$3,500,000 for which the Defendants should be jointly and severally liable.

PRAYER

Therefore, Plaintiffs respectfully request that Defendants be cited to appear and answer, and that on final trial Plaintiffs have;

1. Judgment against the Defendants in the amount of \$3,500,000;
2. Temporary and permanent injunctive relief to keep the Defendants away from Plaintiffs' clients;
3. Costs of suit;
4. Any other relief to which Plaintiffs show themselves entitled.



Respectfully submitted,

**MIRANDA & BOYAKI**

Attorneys at Law


4621 Pershing Drive

El Paso, Texas 79903

Tel.: (915) 566-8688

Fax : (915) 566-5906

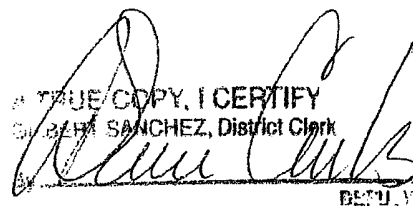
By:



**WALTER L. BOYAKI**

Attorney for Plaintiffs

State Bar No. 02759500

TRUE COPY, I CERTIFY  
GABRIEL SANCHEZ, District Clerk  
  
DEPUTY

FEB 19 2009



VERIFICATION

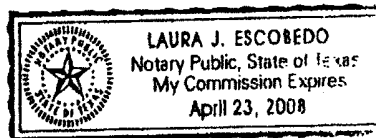
STATE OF TEXAS       )  
                                  )  
COUNTY OF EL PASO   )

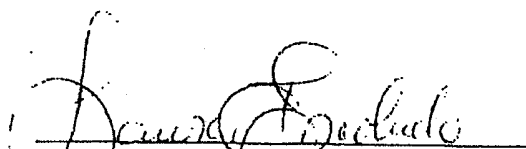
BEFORE ME, the undersigned authority notary public, on this day personally appeared WALTER L. BOYAKI and RUBEN P. HERNANDEZ, known to me and on the oath of each who after being duly sworn upon the oath stated that he is the party in the case that he has read the foregoing document, and each statement, therein, is true and correct, and within his personal knowledge.

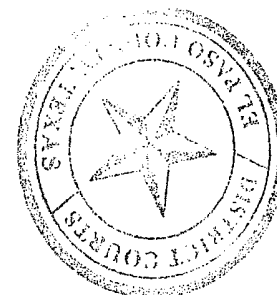
  
WALTER L. BOYAKI

  
RUBEN P. HERNANDEZ

Subscribed and sworn to before me on the 25<sup>th</sup> day of May, 2004 to which I place my signature and official seal.



  
Notary Public in and for the  
State of Texas





**RUBEN P. HERNANDEZ**  
**ATTORNEY AT LAW**

810 Myrtle Ave.  
El Paso, TX 79901

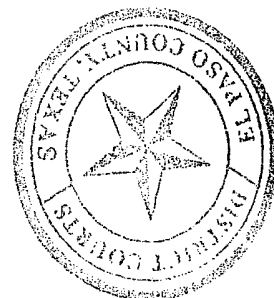
Tel. (915) 532-9971  
Fax (915) 532-9951

**Plaintiffs' with Contracts**

- 1) Oscar Alonso Beulo Perez
- 2) Angel Ambrosio Zapot
- 3) Ciro Ambrosio Garcia
- 4) Javier Ambrosio Zapot
- 5) Hector Rodriguez Gamas
- 6) Sergio Carmona Parra
- 7) Miguel A. Huerta
- 8) Enrique Camrillo Flores
- 9) Silvestre Avalos Aguilar
- 10) Mario Arturo Martinez
- 11) Nellip Rodriguez Ovando
- 12) Rene Castan Cruz
- 13) Julian Perez Flores
- 14) Domingo Reyes Mendoza
- 15) Abel Rodolfo Esquivel
- 16) Esteban Castillo Maya
- 17) Hermenegildo Alvarez Dominguez
- 18) Felipe Cruz Rales
- 19) Amado Gonzalez Santander
- 20) Guillermo Gonzalez Ramos
- 21) Irineo Vicencio Carballo
- 22) Luis Navarro Benitez
- 23) Odilon Camacho Lopez
- 24) Amancio Martinez Cabrera
- 25) Gerardo Utera Rivera
- 26) Alejandro Del Angel Benitez
- 27) Raul Santos Echavarria
- 28) Oscar Luis Lopez Cobos
- 29) Refugio Ramirez Victorio
- 30) Gaudencio Ramirez Goxcon
- 31) Jesus Martinez Campos
- 32) Juan Ramirez Pio
- 33) Mario Del Carmen Short Acosta
- 34) Odilon Chacha Coto
- 35) Hugo Villalobos Juarez



- 36) Venancio Barra Marquez
- 37) Gustavo Franco Velazquez
- 38) Jorge Lopez Meza
- 39) Nicolas Marquez Ramirez
- 40) Joel Perea Toga
- 41) Esteban Martinez Monroy
- 42) Nicanor Franco Ortega
- 43) Javier Cruz Rales
- 44) Angel Gorrochotegui Arrguelles
- 45) Amado Jesus Reyes Cuevas
- 46) Maximo Gonzalez Morales
- 47) Felipe Alberto Gonzalez Betancourt
- 48) Hugo Mendez Rodriguez
- 49) Pedro Del Angel Melo
- 50) Ana Perez Vidal
- 51) Martin Lara Zapu
- 52) Bernardino Mario Conde
- 53) Jesus Reyes Gonzalez
- 54) Candelario Martinez Mendoza
- 55) Gabriel Castellanos Cruz
- 56) Jose Maria Catana Poxtan
- 57) Rodrigo Cruz Chable
- 58) Roberto Cruz Cruz
- 59) Alfonso Cardova Pizaña
- 60) Carlos Enrique Cruz Palmeros
- 61) Margarito Cruz Hernandez
- 62) Lorenzo Cruz Rivero
- 63) Javier Corona Garcia
- 64) Trinidad Hernandez Leon
- 65) Cipriano Gonzalez Lopez
- 66) Bartolo Gomez De La Cruz
- 67) Miguel Angel Gomez Flores
- 68) Angel Jesus Garcia Alcantar
- 69) Isidro Gutierrez Sanchez
- 70) Ambrosio Mendoza
- 71) Juan Carlos Gomez Matus
- 72) Luis Doming De La Riva Javier
- 73) Mario De Los Santos Santos
- 74. Roberto Cruz Gomez



000 101 00 000 10 24

Mr. O'Leary

)(  
(  
(  
(  
(  
(  
(  
(  
(  
(  
(  
(  
(

NO. 2004-2333

)  
)  
)  
)  
)  
)

## ST AMENDED PETITION

I.

II.

### III.

and 440 Louisiana  
an national and may be

the Plaintiffs never interfered with any of their clients. Rather it is the other way around.

Many of the attempts to interfere with Plaintiffs occurred in El Paso County, Texas.

#### VIII.

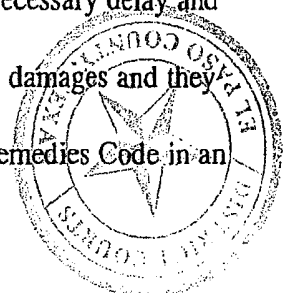
Unless the court enjoins the Defendants from further slander, libel and interference with their clients and their money, Plaintiffs will suffer irreparable injury in that the Defendants will attempt to steal their funds and their clients funds. Plaintiffs have no other adequate remedy at law. Defendants have attempted to use a new case and a new Court in Harris County in an attempt to bypass this Court's rulings.

#### IX.

As a consequence of Defendants' malicious, negligent, and inexcusable actions, they have exposed the Plaintiffs to public hatred, contempt and ridicule and have impeached Plaintiffs' honesty, integrity, virtue and personal and professional reputations. The Defendants conduct has caused Plaintiffs substantial injury and damage including but not limited to Plaintiffs lost employment. Plaintiffs have been damaged in the amount of \$3,500,000 for which the Defendants should be jointly and severally liable.

#### X.

On or about December 30, 2008, Defendants filed a lawsuit which was based on a false claim/lawsuit against Plaintiffs. This action was without merit. Under Chapter 9, Texas Civil Practice and Remedies Code, Defendants filed a groundless pleading brought in bad faith for purposes of harassment and other improper purposes so as to cause an unnecessary delay and needless increase in the cost of litigation. This caused Plaintiffs substantial damages and they seek sanctions as set out in §9.012 and §10.004, Texas Civil Practice & Remedies Code in an

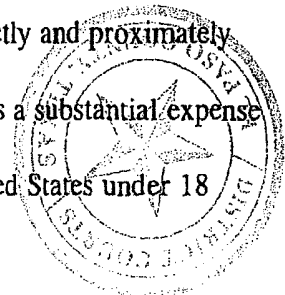


amount of \$500,000.00 and an injunction against these Defendants from proceeding with that case.

The Defendants conspired to violate laws of the United States particularly 18 U.S.C. §1962( c) by agreeing to conduct or participate in the affairs of an enterprise in which Defendants try to prevent Counter Plaintiffs from legally practicing law, and conspiring to take Plaintiffs clients and their funds. Defendants are acting via a pattern of racketeering activity within the meaning of 18 U.S.C. §1961(1)(B) and (5). The Plaintiffs assert their action under 18 U.S.C. 1331, for violation of laws of the United States.

The Plaintiffs have been injured in their business and property by reason of Defendants' violation of 18 U.S.C. §1962(d) within the meaning of 18 U.S.C. §1964( c) in that monies due and owing to Plaintiffs have been wrongfully withheld. The unlawful withholding of monies due and owing Plaintiffs has directly and proximately caused Plaintiffs to incur substantial expense to obtain payment of monies, to lose use of their monies from 2004 forward and forego other business opportunities during the period that these monies were being unlawfully withheld. The amount of these damages exceeds \$1,000,000.00.

This is also a civil action brought by Plaintiffs against Defendants' for conspiracy to use wrongful threats to obtain services and money from the Plaintiffs. Defendants combined, confederated, agreed and conspired to use wrongful and unlawful threats to violate in place agreements under the Texas Rules of Civil Procedure Rule 11 to obtain services and money from Plaintiffs. In furtherance of the conspiracy, the Defendants, in violation of 18 U.S.C. §1962 and §1964, et seq. committed one or more overt acts which directly and proximately caused Plaintiffs severe emotional distress and mental anguish as well as a substantial expense to obtain payment of monies. These actions violate the laws of the United States under 18

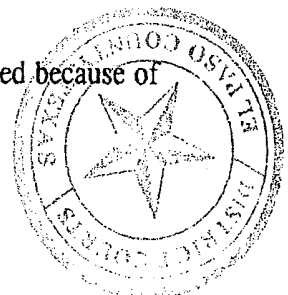


U.S.C. §1331 specifically for civil violations of the Racketeer Influenced Corrupt Organization Act (RICO). Plaintiffs are persons within the meaning of 18 U.S.C. §1961(3) and 1964 ( c) and Defendant John O'Quinn & Associates, PLLC d/b/a The O'Quinn Law firm and Musslewhite & Associates, P.C. are persons within the meaning of 18 U.S.C. §(3) and 196( c) or are an enterprise within the meaning of 18 U.S.C. §1961(4) ad 1962( c), or are an owner, employer or associated with the enterprise that is engaged in or are affected by interstate commerce within the meaning of 18 U.S.C. §1962( c).

This is a further a civil action brought by Plaintiffs against Defendants for intentional infliction of emotional distress. Defendants themselves and through their agents intentionally and recklessly for the purpose of causing Plaintiffs to perform services without being fully paid for same, and to try to wrongfully obtain case monies from Plaintiffs, acted in an extreme and outrageous manner toward Plaintiffs. Defendants' actions were a direct and proximate cause of severe emotional distress suffered by Plaintiffs.

This is a further civil action brought by Plaintiffs against Defendants for breach of contract and malicious interference with the business and occupations of Plaintiffs. Defendants committed intentional and wilful acts which were designed and calculated to cause damage to Plaintiffs in their lawful business. Defendants breached and violated a Rule 11, Texas Rule of Civil Procedure agreement whereby the parties agreed to settle their differences. Plaintiffs have been injured in their lawful business and occupation by reason of the malicious interference with their lawful business and occupation in that monies due and owing have been unlawfully withheld.

Plaintiffs incorporate the above by reference and have been damaged because of the above actions in the total amount of \$5,000,000.00.



**PRAYER**

Therefore, Plaintiffs respectfully request that Defendants be cited to appear and answer,  
and that on final trial Plaintiffs have;

1. Judgment against the Defendants in the amount of \$5,000,000;
2. Temporary and permanent injunctive relief to keep the Defendants away from Plaintiffs' clients; the clients' money and the clients' attorneys fees which need to be paid.
3. Costs of suit;
4. Any other relief to which Plaintiffs show themselves entitled.

Respectfully submitted,



**WALTER L. BOYAKI**

State Bar No. 02759500

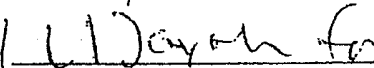
*Miranda & Boyaki*

4621 Pershing Drive

El Paso, Texas 79903

Tel: (915) 566-8688

Fax: (915) 566-5906



**RUBEN P. HERNANDEZ**

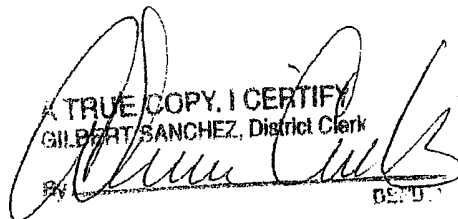
State Bar No. 24009765

1019 East Yandell

El Paso, Texas 79902

Tel: (915) 532-9971

Fax: (915) 532-9951



A TRUE COPY. I CERTIFY  
GILBERT SANCHEZ, District Clerk  
BY \_\_\_\_\_ DEPT.

FEB 19 2009

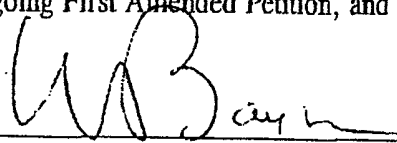


VERIFICATION

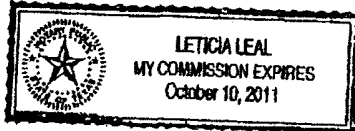
State of Texas       )  
                                  )  
County of El Paso    )

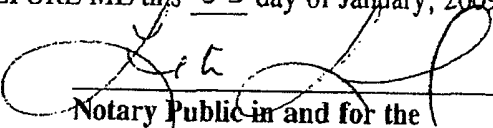
Before me, the undersigned authority, on this day personally appeared WALTER L. BOYAKI, who after being by me first duly sworn, on his oath states the following:

"I, WALTER L. BOYAKI, have read the foregoing First Amended Petition, and the facts stated in it are true and correct."

  
WALTER L. BOYAKI

SWORN TO AND SUBSCRIBED BEFORE ME this 23 day of January, 2009.



  
Notary Public in and for the  
State of Texas

CERTIFICATE OF SERVICE

I, WALTER L. BOYAKI, do hereby certify that a true and correct copy of the foregoing instrument was forwarded to CHARLES B. MUSSLEWHITE, 711 Heights Blvd. Houston, Texas 77007, MARIO MARTINEZ, 1420 Montana Ave., El Paso, Texas 79902, JOHN M. O'QUINN and NEIL McCabe, 440 Louisiana, Suite 2300, Houston, Texas 77002, and ENRIQUE ARAMBULA, c/o HERIBERTO RAMOS, 917 Franklin, Suite 300, Houston, Texas 77002, on this 23 day of January, 2009.

  
WALTER L. BOYAKI





03/02/2006 18:48

7134254301

STEPHEN BOUTROS

PAGE 02/11

**Scanned**IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
JUDICIAL DISTRICT

JUAN ESTEBAN CRUZ ESQUIVEL, )  
 MARIA ISABEL CERVANTES RINCON, )  
 VIRGINIA CHAGOYA MARTINEZ )  
 de RAMIREZ and GELACIO ROMAN )  
 ACOSTA, )

2006 MAR 3 PM 2 20

EL PASO COUNTY, TEXAS

Third Party-Intervenors,

v.

JOHN O'QUINN

Defendant.

**3<sup>RD</sup> PARTIES ORIGINAL PETITION**  
**FOR INTERVENTION**

TO THE HONORABLE JUDGE OF SAID COURT:

Intervenors, JUAN ESTEBAN CRUZ ESQUIVEL, MARIA ISABEL CERVANTES RINCON, VIRGINIA CHAGOYA MARTINEZ de RAMIREZ and GELACIO ROMAN ACOSTA file this petition for intervention complaining of JOHN O'QUINN and respectfully show:

I.

Pursuant to Rule 60, T.R.C.P., Intervenors JUAN ESTEBAN CRUZ ESQUIVEL, MARIA ISABEL CERVANTES RINCON, VIRGINIA CHAGOYA MARTINEZ de RAMIREZ and GELACIO ROMAN ACOSTA file this petition for intervention as a party in the above action.

II.

The original action and the Intervenors' action in this case arise out of a dispute of attorneys fees and costs in a related case where the intervenors were Plaintiffs.

03/02/2005 18:40 7134254301

STEPHEN BOUTROS

PAGE 03/11

III.

Intervenors have a justiciable interest in this lawsuit in that the Defendant JOHN O' QUINN had a contract with Intervenors for attorneys fees and costs for their representation in a personal injury lawsuit.

IV.

Intervenors could have brought this action in their own name. However, the issues in the original case are essentially the same and this action will not excessively multiply issues. The Intervenors had contracts with the Defendant for legal representation..

V.

Intervenors' intervention in this action is essential to effectively protect the Intervenors' interests because the Defendant JOHN O'QUINN has settled their cases in another proceeding without providing compensation to Intervenors.

VI.

As a result of the attorney - client relationship between Intervenors and the Defendant O'Quinn, the Intervenors did in fact reasonably rely on his work, assurances and conduct regarding the legal services contract. The words and assurances made by the Defendant O'Quinn in regards to their original lawsuit concerning fees and expenses were false and excessive. The signature of the Intervenors on their settlement documents were fraudulently obtained and the Defendant's legal services were fraudulent.

VII.

The Defendant O'Quinn intentionally mislead the Intervenors as to:

- (1) The merits of their initial claims.

03/02/2006 18:48 7134254301

STEPHEN BOUTROS 2

PAGE 04/11

- (2) The cost and expenses to pursue the claims.
- (3) The amount of attorneys fees which were charged to the Intervenor and other clients.
- (4) The final accounting for each of their cases in the original proceeding.
- (5) Improperly used or betrayed clients' trust.
- (6) Engaged in self dealing.
- (7) Failed to place clients interest over his own.

#### VIII.

The fees and expenses charged by the Defendant O'Quinn for his services violated Section 1.04 of the Texas Disciplinary Rules of Professional Conduct in that the fees sought and charged as well as the expenses charged for services were unconscionable since a competent lawyer could not form a reasonable belief that these fees were reasonable. Thus the performance under the contract is against public policy. Defendant violated his fiduciary duty to Intervenor.

#### IX.

By reason of the violation of fiduciary duty and fraud of the Defendant O'Quinn as well as the intentionally malicious acts and conduct of the Defendant against the Intervenor, Intervenor have been damaged in an amount in excess of the minimum jurisdictional limits of the court. Further due to the violation of his fiduciary duty, Defendant O'Quinn has forfeited any fee he obtained in his representation of the Intervenor.

03/02/2006 18:48 7134254301

STEPHEN BOUTROS 8

PAGE 05/11

X.

By reason of the violation of fiduciary duty and fraud of the Defendant O'Quinn, as well as the intentionally malicious wanton and reckless acts and conduct of the Defendant which directly and proximately caused injuries to the Intervenor, Intervenor have been damaged in such away to warrant the imposition of exemplary and punitive damages to Intervenor in the amount of \$5,000,000.00.

XI.

Intervenor request trial by jury.

PRAYER

Intervenor pray for judgment against Defendant in the amounts mentioned above together with interest and costs and for any other and further relief as the court may deemed proper.

Respectfully submitted,

\_\_\_\_\_  
ARTHUR BALLEEN

Law offices of Arthur Ballen  
1103 Laurel Oak Rd.  
Voorhees, New Jersey 08002

  
\_\_\_\_\_  
HERIBERTO RAMOS

Ramos & Associates  
917 Franklin, Suite 300  
Houston, Texas 77002  
State Bar No. 24033102

03/02/2006 18:48 7134254381

APR-16-2004 08:52A DE 10HAGL  
MAR 16 2006 10:42 FAX 415 400

STEPHEN BOUTROS ?

(732)82 35875  
STEPHEN BOUTROS  
A:001713-254381

PAGE 08/11

P.1  
MAR 04

APPROVED:

JUAN ESTEBAN CRUZ ESQUIVEL

MARIA ISABEL CERVANTES RINCON

*Virginia Chacoya*  
VIRGINIA CHAGOYA MARTINEZ de RAMIREZ

GELACIO ROMAN ACOSTA

03/02/2006 18:48 7134254301  
3-MAR-2004 08:41A DE :  
03/02/2006 18:48 7134254301

STEPHEN BOUTROS 8

STEPHEN BOUTROS 8 A  
R:0017134254301

PAGE 09/1

P.1  
PAGE 02/02

APPROVED:

JUAN ESTEBAN CRUZ ESQUIVEL

  
MARIA ISABEL CERVANTES RINCON

VIRGINIA CHAGOYA MARTINEZ de RAMIREZ

GELACIO ROMAN ACOSTA

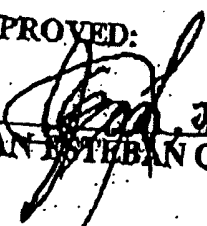
03/02/2006 18:48

7134254301

STEPHEN BOUTROS 8

PAGE 10/11

APPROVED:

  
JUAN ESTEBAN CRUZ ESQUIVEL

MARIA ISABEL CERVANTES RINCON

VIRGINIA CHAGOYA MARTINEZ de RAMIREZ

GELACIO ROMAN ACOSTA

03/02/2006 18:48 7134254301

STEPHEN BOUTROS ?

PAGE 11/11

03/02/2006 18:41 8235006

PAPELERIA SUSY

PAG. 01

03/02/2006 18:55 7134254301

STEPHEN BOUTROS & A

PAGE 02/02

APPROVED:

JUAN ESTEBAN CRUZ ESQUIVEL

MARIA ISABEL CERVANTES RINCON

VIRGINIA CHAGOYA MARTINEZ de RAMIREZ

  
DELA C. ROMAN ACOSTA



03/02/2006 18:48 7134254301

STEPHEN BOUTROS ?

PAGE 05/11

VERIFICATION

STATE OF NEW JERSEY )  
COUNTY OF )

BEFORE ME, the undersigned authority notary public, on this day personally appeared ARTHUR BALLEEN, known to me and on the oath of each who after being duly sworn upon the oath stated that he is the party in the case that he has read the foregoing document, and each statement, therein, is true and correct, and within his personal knowledge.

\_\_\_\_\_  
ARTHUR BALLEEN

Subscribed and sworn to before me on the \_\_\_\_\_ day of March, 2006 to which I place my signature and official seal.

\_\_\_\_\_  
Notary Public in and for the  
State of New Jersey.

03/02/2006 18:48 7134254301

STEPHEN BOUTROS ?

PAGE 07/11

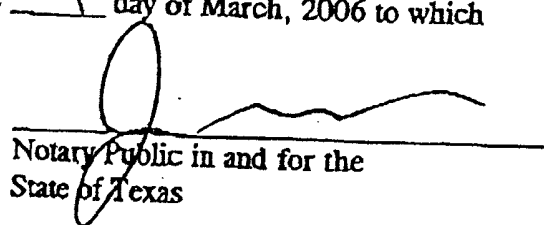
VERIFICATION

STATE OF TEXAS       )  
                                  )  
COUNTY OF HARRIS    )

BEFORE ME, the undersigned authority notary public, on this day personally appeared HERIBERTO RAMOS, known to me and on the oath of each who after being duly sworn upon the oath stated that he is the party in the case that he has read the foregoing document, and each statement, therein, is true and correct, and within his personal knowledge.

  
HERIBERTO RAMOS

Subscribed and sworn to before me on the 2 day of March, 2006 to which I place my signature and official seal.

  
Notary Public in and for the  
State of Texas

